UNITED STATES PATENT AND TRADEMARK OFFICE

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09/912,575	07/26/2001	Sung-Ho Kang	P56410	5495

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte SUNG-HO KANG

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Appeal 2009-005972
Application 09/912,575
Technology Center 2400

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Decided: October 22, 2009

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Before KENNETH W. HAIRSTON, MARC S. HOFF
and THOMAS S. HAHN, *Administrative Patent Judges.*

HAIRSTON, *Administrative Patent Judge.*

DECISION ON APPEAL

This is an appeal under 35 U.S.C. §§ 6(b) and 134 from the final
rejection of claims 1, 4, 5, 7, 10 to 13, 16, 19, 21, and 22. We will reverse.

The disclosed invention relates to a network system, and to a method
of controlling that network. A dynamic host configuration protocol (DHCP)
server assigns a variable IP address to a network unit, and an agent server
stores the variable IP address of the network unit along with unique

identification information pertaining to the network unit in a database. The unique identification information includes at least one of an Ethernet address and a search keyword for the variable IP address of the network unit. A control unit in the agent server receives unique identification information of a network unit from a network user, searches the database for the variable IP address of the network unit based upon the unique identification information received from the user, and enables the user to gain access to the selected network unit in accordance with the search results from the database. (Figs. 1 to 5; Spec. 2, 4, 8 to 10; Abstract).

Claim 1 is representative of the claims on appeal, and it reads as follows:

1. A network system, comprising:

at least one network unit having a variable Internet protocol (IP) address and unique identification information;

a dynamic host configuration protocol (DHCP) server responsive to a request from said at least one network unit for assigning said variable IP address to said at least one network unit for a predetermined period of time; and

an agent server including a communication unit for receiving said unique identification information and said variable IP address from said at least one network unit, for transferring said unique identification information and said variable IP address, and for receiving from a user unique identification information of a network unit selected by the user, a database connected to said communication unit for receiving and storing said variable IP address and said unique identification information transferred from said

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communication unit, and a control unit connected to said communication

unit and to said database for receiving from the user via said communication

unit said unique identification information of said network unit selected by

the user, for searching said database for said variable IP address of said at

least one network unit on the basis of the unique identification information

received from the user, and for enabling the user to gain access to said

selected network unit in accordance with results of the searching of said

database;

wherein said unique identification information includes at least one of

an Ethernet address of said at least one network unit and a search keyword

for said variable IP address of said at least one network unit.

The prior art relied upon by the Examiner in rejecting the claims on

appeal is:

Anderson   US 6,567,122 B1   May 20, 2003
                                                                   (filed Mar. 18, 1998)

Droms, *RFC 2131-Dynamic Host Configuration Protocol*, Mar. 1997, pp. 1
to 33.

DHCP (Dynamic Host Control Protocol), Lightening your load with DHCP,
Network World, Sept. 11, 2000.

What is DHCP?, Webopedia Computer Dictionary, Sept. 18, 2003.

The Examiner rejected claims 1, 4, 5, 7, 10 to 13, 16, 19, 21, and 22

under 35 U.S.C. § 103(a) based upon Anderson and Appellant's Admitted

Prior Art (AAPA).

Anderson describes a method and system for controlling a network. A

camera 100 in the system dials up and connects to the Internet 750 via ISP

710, and it is assigned a variable IP address (Fig. 7; col. 9, ll. 1 to 28).

Thereafter, Anderson explains that:

> Camera 100 accesses ID server 760 via the internet 750 and registers its identity and internet address. ID server 760 maintains an internal database of 'on-line' devices and their associated internet addresses. User 720, or any other user wishing to access the camera (e.g., the camera owner's friends or relatives) subsequently enters the identity of camera 100 into his web browser (e.g., camera 100's URL). Using standard internet protocols, ID server 760 is queried with the URL of camera 100 and returns the camera 100's current internet address. The user 720's web browser then accesses camera 100 using the current internet address returned from ID server 760.

(col. 9, lines 38 to 50).

Turning to the alleged admitted prior art, the Examiner states (Ans. 6) that Appellant admits in paragraph 0006 in the Related Art section of the Background of the Invention that "DHCP servers were well known in the art at the time of the present invention," and were known to assign a variable IP address. Although the What is DHCP? publication noted *supra* equates a DHCP variable IP address with a dial-up variable IP address by stating that "[m]any ISPs use dynamic IP addressing for dial-up users," we agree with Appellant's argument that this publication can not be used in the rejection of record because the September 18, 2003 publication date is after the July 26, 2001 filing date of the subject application. Notwithstanding the lack of a prior publication date for the What is DHCP? publication, we agree with the Examiner (Ans. 8) that the DHCP (Dynamic Host Control Protocol)

publication teaches time-limited dynamic allocation of IP addresses, and that the Droms publication teaches time-limited dynamic allocation of reusable IP addresses by DHCP (Abstract; p. 3). In summary, it was known prior to Appellant's filing date that a variable IP address is assigned by DHCP.

The Examiner acknowledges (Final Rej. 7) that Anderson does not expressly disclose a DHCP server, but nevertheless concludes (Final Rej. 8) that it would have been obvious to the skilled artisan to use a DHCP server in Anderson to assign a variable IP address at a lower cost than a fixed IP address.

Appellant argues (App. Br. 14 to 18) that it would not have been obvious to the skilled artisan to provide DHCP to the dial-up service offered by Anderson. Appellant additionally argues (App. Br. 22; Reply Br. 4) that Anderson does not disclose an agent server that has a control unit that operates to enable the user to gain access to/connect to the selected network unit.

Even if we assume for the sake of argument that it would have been obvious to the skilled artisan to use DHCP, as opposed to dial-up service, to provide the variable IP address used by Anderson, we must agree with Appellant's argument that the control unit implied by the Examiner in the ID server 760 (Ans. 13) does not operate to enable the user to gain access to/connect to the selected network unit. As indicated *supra*, the variable IP address of the camera that was found by the ID server 760 is sent to the user, and the user can then use that IP address to access the camera. In summary, Anderson requires the user 720 to use the variable IP address to gain access to the selected network unit (i.e., the camera), whereas the claims on appeal

require the control unit in the server to use the variable IP address to gain access to the selected network unit.

Thus, the obviousness rejection of claims 1, 4, 5, 7, 10 to 13, 16, 19, 21, and 22 is reversed because the Examiner's articulated reasons for modifying the teachings of the reference to Anderson do not support a legal conclusion of obviousness. *KSR Int'l v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007).

The decision of the Examiner is reversed.

REVERSED

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